



administrative psychiatric consultation, including a forensic psychiatric evaluation and a full-scale psychometric evaluation.

4. After receipt of the results from the psychological evaluation, I determined that Plaintiff could continue in his academic program, subject to certain conditions. These conditions were presented to Plaintiff in a letter on August 5, 2020. Plaintiff signed and returned the letter agreeing to the conditions on August 6, 2020.

5. According to HOOP Policy 59 and 186 at the time (attached as Exhibits A-1 and A-2), the determination of a policy violation and the appropriate sanction, if any, are preliminary and subject to review by a hearing officer, if a hearing is appropriate under the policies. At no time did Plaintiff advise me or my office that he wanted to have a hearing regarding the finding that he violated HOOP 59 pursuant to UTHHealth's student conduct and discipline policy, HOOP Policy 186. Based on his acceptance of the terms of the August 5, 2020, letter, I believed that Plaintiff did not want a hearing. I only learned later, based on statements of Plaintiff's attorneys, that Plaintiff believed that he was entitled to a hearing to challenge the underlying finding of a policy violation.

6. Accordingly, on April 22, 2021, I sent a letter to Plaintiff offering him a hearing pursuant to HOOP 59 and HOOP 186 to challenge the underlying policy violation determination. A true and correct copy of this letter is attached as Exhibit A-3. To date, Plaintiff has not responded to this offer.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on July 1, 2021

A handwritten signature in blue ink, appearing to read 'M. McNeese', is written over a horizontal line.

MARGARET MCNEESE, MD